

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claim 18 is currently being cancelled.

Claims 1 and 11 are currently being amended.

No claims are currently being added.

This amendment and reply cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After canceling and amending the claims as set forth above, claims 1-17 and 19-20 are now pending in this application.

Claim Rejections – Prior Art:

In the final Office Action, claims 1-2, 8-12 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of U.S. Patent Publication No. 2002/0061745 to Ahn; claims 3 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of U.S. Patent Publication No. 2003/0156542 to Connor; claims 4, 6, 14 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of Ahn, further in view of Connor; claims 5 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of Ahn, further in view of U.S. Patent Publication No. 2002/0058530 to Akama; claims 7, 17 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of Ahn, further in view of “Overview of the IEEE 802.11 Standard,” to Geier; claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of Ahn and Connor, further in view of “Overview of the IEEE 802.11 Standard,” to Geier. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Presently pending independent claim 1 now recites, among other things:

a preset data storing means for storing identification data of a hot spot dealer, to which the user is subscribed, and identification data of a hot spot dealer in roaming contract relation to the user's own subscribed hot spot dealer, the identification data of the hot spot dealer to which the user is subscribed corresponding to an identification code that is unique to the hot spot dealer to which the user is subscribed and is the same for all other users who are subscribed to the hot spot dealer and does not include any data unique to the user or any of the other users; (emphasis added).

In its rejection of claim 1, the Office Action asserts that "Examiner interprets the 'hot spot dealer' as the service provider and authentication of definition involves comparing the data entered by the user to the data stored by the service provider." Whether or not this is the case, it is not pertinent to the features recited in claim 1, since the identification data corresponds to data of the hot spot dealer and not to the user, whereby the identification data is the same for all users who are subscribed to the hot spot dealer and does not include any data unique to the user or to any of the other users subscribed to the hot spot dealer.

Paragraphs 0110-0115 of Barnes describe that authentication data used to determine whether a user's voice, face, iris, finger print, or other input matches data stored in memory, whereby that information is provided to a remote computer, which decides whether or not the user of the computer is an authorized user. **Clearly, this authentication data in Barnes is data unique to a user, and it is not data of a hot spot dealer that is the same for each user.**

Accordingly, since Ahn does not rectify the above-described deficiencies of Barnes, presently pending independent claim 1, as well as presently pending independent claim 11 that has been amended in a similar manner, patentably distinguish over the cited art of record.

Still further, with respect to the rejection of dependent claims 19 and 20, those claims recite that the congestion degree is displayed on the display means having one of a plurality of colors for providing an indication of a level of congestion. Thus, a high level of congestion may be displayed with a red color, and a moderate level of congestion may be displayed with a blue color. In its rejection of claims 19 and 20, the Office Action relies on Connor to show the use of a congestion indication header that can be used to notify a sender that it needs to

slow down its data rate output. However, the congestion indicator of Connor only indicates that congestion occurs, and does not indicate a degree of congestion. Thus, even if Connor was combined with Barnes, it would not teach or suggest that a congestion degree is displayed on the display means having one of a plurality of colors for providing an indication of a level of congestion, as explicitly recited in claims 19 and 20.

Thus, claims 19 and 20 are patentable for these additional reasons, beyond the reasons given above for their base claims.

Conclusion:

Since all of the issues raised in the final Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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